

MADISON COUNTY PLANNING DEPARTMENT

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MADISON COUNTY PLANNING BOARD MEETING MEETING MINUTES 4/24/2023

1. **Call to Order:** 6:00 p.m. by President Laurie Schmidt.

2. **Roll Call:**

Members Present: Laurie Schmidt, Pat Bradley, Pat Jacobs, Rita Owens and Darlene Tussing

Members Virtual: Tamara Millican-Wood, Steve Janzen and John Stowe

Members Absent: Betsey Weltner

Staff Present: Connie Dedrick (Planner III), Michelle Schriock (Planning Clerk) and Ryan Wolter (IT).

Others Present: Jana Cooper (TD&H Engineering), Kevin Germain (MB MT Acquisition), Michael Yoder, Brandon Yoder, Chad Yoder, Brian Ashe (YMC), Justin Houser (Houser Engineering)

Others Virtual: Deb Kozisek, Beth Famiglietti (MB MT Acquisition), Alicia A Pearson, Mitch Kovnesky, Brett Schriock, David Buchler (Madison County Attorney), and Maleesha Kovnesky.

3. **Opportunity for Public Comment for items not on the agenda:** Kevin Germain provided the Board with an update for the Capital Improvements Study that will be done in all of Big Sky and Madison County portion of Big Sky. They expect a final study report towards the end of August.

4. **President's Comments:** Schmidt thanked Ryan Wolter for providing the WebEx connectivity and ability to be able to conduct the meeting in the Madison County Library (Thompson-Hickman Library) and also noted that Kristy Harper (Planner I) is no longer working for the county. I want to publicly thank her for her work. She was a quick learner and her attention to detail was a great asset to Planning. She will be missed.

5. **Statement of Conflict of Interest/Ex-Parte Communications:** None.

6. **Minutes:** February 27, 2023 and March 27, 2023

MOTION TO APPROVE FEBRUARY 27, 2023 MINUTES WITH CORRECTIONS MOVED BY TUSSING; SECONDED BY JACOBS. MOTION CARRIED UNANIMOUSLY.

MOTION TO APPROVE MARCH 27, 2023 MINUTES WITH CORRECTIONS MOVED BY TUSSING; SECONDED BY BRADLEY. MOTION CARRIED UNANIMOUSLY.

7. Pre-Applications

i. Ambassador Village Subdivision & PUD

Dedrick provided brief overview and power point of the project. The proposed development is a major subdivision on 29.08 acres for employee and affordable workforce housing with 132 new employee/workforce housing units. Additionally, the proposed development will update the existing administrative building, create a new amenity building for future residents and provide open space and parking. Primary access will be via Lone Mountain Trail to Moonlight Trail and Mountain Loop Road. There are no known wetlands within in the boundaries of Phase 2. 1.57 acres will be dedicated to open space.

Applicant Presentation: Kevin Germain (Lone Mountain Land Company) and Jana Cooper (TD&H Engineering). Cooper said everything that Dedrick provided is correct and asked if the Planning Board had any questions.

Tussing – Will a Traffic Impact Study (TIS) be done?

Germain – They are doing a TIS and it will be a part of the Overall Development Plan (ODP) update.

Schmidt – Per your ODP a full TIS is to be submitted and requested at the pre-app. A TIS will be required.

Germain – Stated they will provide this when they get it, he will check with Sanderson/Stuart.

Bradley – Will this be affordable housing?

Germain – The cost to build versus what employees can afford will be subsidized by Moonlight Basin.

Bradley – Asked about the map and how much room is left until build-out.

Germain – It's part of the Lower Ulery's 20-acre parcels, it's at approximately 90% build-out.

Jacobs – What is the projected occupancy?

Germain – The number of beds will be 66 per building.

Jacobs – Will there be a parking lot and how many spaces?

Germain – Approximately 200 to 225 spaces, a lot of employees rely on public transportation as well.

Jacobs – Is there dedicated open space?

Germain – Moonlight Basin has exceeded the 20-30 ratio and they've been strategic and thoughtful to open space.

Tussing – Noted that it's an improvement on workforce housing.

Germain – They are fully staffed due to being able to provide workforce housing in Yellowstone Club, Big Sky and Moonlight Basin.

Tussing – Is there a rough count of how many people are currently employed?

Germain – Approximately 7,000 with 50% to 60% of employees will still rely on commuting to work. The housing issues have been improved.

Tussing – Will there still be vegetation in that area?

Germain – They are creating a 100' tree line buffer trying to mind safe defensible space.

ii. Big Springs Village Phase II

Dedrick provided a brief overview and power point of the project. A major subdivision on 13.59 acres located in the Big Springs Village Planned Unit Development (PUD) at the base of Pioneer Mountain in Yellowstone Club. This was brought back to the Planning Board after the Board of County Commissioners determined in a 3-0 vote that the request was a material change in use as the approved final plat of the subject property was residential units. The

material change is to incorporate a mix of commercial and residential units, prompting it to go back through the subdivision review. Primary access will be via Warrens Way, Chalet Road and Seven Bears Trail. Private roads will be constructed and maintained by Yellowstone Mountain Club. 1.84 acres was dedicated to open space with the original final plat recordation.

Applicant Presentation: Justin Houser (Houser Engineering, P.C.) explained that it's the same as the final plat review in that it is the same footprint and same boundaries. The material change is due to a building change housing a medical triage clinic, bar/grill, ski school and storage units. There will be 42 residential units and 9 commercial units, no change in the structure.

Tussing – Will there be much change in traffic with the medical clinic?

Houser – No, not a lot of change compared to the original application.

8. Public Meeting: Yoder 1st Minor Subdivision 6:42 p.m.

Schmidt read the Statement of Process & Rights: The review process is directed by state statute and procedural rulings; rules help guarantee the rights of all parties to be fairly heard and give the Board full opportunity to deliberate on the proposal.

Dedrick provided an overview of the project. The applicant has requested the approval of a one (1) lot, 9.252-acre property to be utilized for a commercial wholesale truss manufacturing business. Parkland dedication is not required and primary access will be via Montana State Highway 55. The request is to remove the agricultural exemption (AE) that was created through a Certificate of Survey (COS) 839-AE and thus creating the need to go through the subdivision process.

The subdivision is located adjacent to US Highway 55, approximately .04 miles northeast of its intersection with 41-55 Cutoff Road, Whitehall MT situated south of the Silver Bow County line and north of the Jefferson River on US Highway 55. The property is currently vacant and used as access to the parcel to the north and for storage. The subdivision was previously reviewed by the Planning Board during the pre-application phase, formerly known as M & A Building, LLC, on January 30, 2023.

The element review was deemed complete on March 16, 2023 and the sufficiency review was deemed sufficient on March 31, 2023. The proposed preliminary plat, Yoder 1st Minor Subdivision, as submitted by the applicant and subdivider, together with the required supplementary plans and information appear to satisfy the requirements of these regulations and comply with the Madison County Growth Policy (MCGP) with the suggested mitigating conditions. Dedrick noted that a public comment was submitted via email and received late in the day (3:43 p.m.). The public comment was given to the Planning Board members in attendance from Maleesha Kovnesky.

Schmidt- Asked if this was sent out (e-mailed) to PB members as virtual members need to review.

Dedrick- She did not send it out as it was late in the day.

Applicant Response 6:49 p.m. Michael Yoder

Yoder stated that he and his sons want to build their small truss business on the subject property. When they purchased the property, it was advertised with no covenants or restrictions. When they realized that the property had the Agricultural Exemption on the property is when

they reached out to the Planning Department to go through the Subdivision Process. If the Planning Board has questions, he can provide answers to the best of his knowledge.

Public Comment Opened 6:51 p.m.

Maleesha Kovnesky – Noted her concerns are as follows: proximity to the Jefferson River; noise; lighting; increase in traffic; the dangerous turn on Highway 55 is the site of frequent, high-speed accidents and fatalities; the highway is in need of repair; visibility to the Jefferson River; and Wildlife concerns that include moose, deer, antelope, bald eagles, hawks and ospreys, many species of owls and 100+ types of songbirds, swallows, waxwings and more.

Mitch Kovnesky – Echoed Maleesha's concerns but also noted that the highway traffic is ruining roads. Road improvements need to be done. In 2008 the highway was going to be made into a 4-lane highway but the recession caused these improvements not happen and the highway remains in poor condition.

Public Comment Closed 6:59 p.m.

Planning Board Discussion 7:00 p.m.

Bradley – Inquired where in the staff report is traffic addressed.

Dedrick – Page 15, #2, Roads is where the traffic is addressed. The applicant will need to submit an encroachment permit through the Montana Department of Transportation (MDOT) for access onto Highway 55. Copies of the approved approach permit shall be submitted to the Madison County Planning Department with the final plat application.

Bradley – Questions about the new forms for agency comment, the pages are blank.

Dedrick – Noted that no agency comment was received and in the formatting of those pages can get confusing and for future reference, these pages and the formatting will get changed for easier reading and understanding.

Jacobs – Noted on page 20 to change "encroachment" to "approach" permit.

Millican-Wood – Is there an ingress/egress off of the highway?

Dedrick – Yes, but there is no turn lane.

Janzen – Reminded the board that there was a request to make a requirement for the MDOT request by public comment and that a response for all services (Office of Emergency Management, Emergency Services, Sheriff, etc.) prior to final plat approval.

Jacobs – MDOT has weight standards, are they meeting these standards?

Dedrick – The applicant will have to show proof of MDOT approval letter signing off on meeting all of the requirements.

Schmidt – Noted on page 12 to change the word "interest" to other species of "concern"; and correct grammatical issues in Land Development Policies to change the wording to 'comply' versus 'complies'.

Jacobs - Asked if they have building permits.

Dedrick – Yes, the state building permit has been completed.

Dedrick – Noted that she will add use of subject property 76-3-211 (change in use for Agricultural Covenant) will be condition #25.

**MOTION BY BRADLEY TO ACCEPT FINDINGS OF FACT AS PRESENTED; SECONDED BY TUSSING.
MOTION CARRIED UNANIMOUSLY.**

**MOTION BY BRADLEY TO ACCEPT STANDARD AND SITE-SPECIFIC CONDITIONS WITH THE ADDITION
OF CONDITION #25; SECONDED BY TUSSING. MOTION CARRIED UNANIMOUSLY.**

**MOTION BY TUSSING TO RECOMMEND APPROVAL OF YODER 1ST MINOR SUBDIVISION WITH
STANDARD AND SITE-SPECIFIC CONDITIONS TO THE MADISON COUNTY COMMISSIONERS;
SECONDED BY OWENS. MOTION CARRIED UNANIMOUSLY.**

Close Public Meeting 7:25 p.m.

9. Monthly Report

Bradley – Asked if the publication for Mile Creek that is due on April 27, 2023 will be published.

Dedrick – The denial letter will be done by April 27, 2023.

10. Unfinished Business

**I. Joint Session with Madison County Commissioners and County Attorney –
Update**

Schmidt – Asked if dates or a possible date has been established yet.

Dedrick – The Board of County Commissioners is looking at possible dates.

II. Growth Policy

Dedrick – The Planning Department is getting back on track and the questionnaire is a part of the department's future work. She also updated the Planning Board that the Department is looking at some growth in positions in the office and Schriock is being trained in some different planning duties including building envelopes, road name petitions, etc.

Tussing – Any updates on the courthouse?

Dedrick – The BCC is still looking at options of how to arrange staff appropriately. Some possibility of purchasing a building, looking at trailers to house staff, etc.

Schmidt – Inquired about future Planning Board meetings (i.e. where they're going to be held).

Dedrick – Due to connectivity the BCC is looking for future resources.

Wolter – It was previously mentioned to hold meetings in Alder but due to acoustics, microphones, lack of connectivity, etc. Present plans are to continue to hold the meetings at the Virginia City Thompson-Hickman Library.

11. Board Functioning

Bradley – The confusion over ex-parte communication has become problematic. Ex-parte is defined in our Bylaws on the bottom of the 1st page. She provided handouts to the members present. These handouts were the Planning Board Best Practices (Appendix A of our Bylaws) and an email from Karen Alley and cc'd to Tara DePuy and Cody Marxer.

Dedrick – Explained that when she blind carbon copies the Board in emails, she does it to protect the county from unintended consequences.

Millican-Wood – It seems to be a problem not to get the same answer from each attorney. The answers vary.

Schmidt – Noted that she has concerns over the materials being delivered to the Planning Board and public so late. This doesn't give anyone fair time to review all of the materials completely.

Dedrick – Stated that Senate Bill 174 (from 2021) makes it out of her control due to decisions made by the attorneys. She explained the Staff Report formatting was based on that bill.

Schmidt- Pointed out that previous Planners had been following MACo's recommended format.

Bradley- Questioned those details also.

Dedrick- Will send out SB174 tomorrow.

Jacobs – Found the formatting to be easier to follow and felt some clarity.

Bradley – Asked if the Planning Board members send out group email with questions not directly related to a subdivision but questions about policy or procedure.

Dedrick – Based on litigation and if a subdivision name is mentioned, that will change the dynamics of the group email.

Schmidt – Questioned Dedrick if a Planning Board member can contact the Planner as an individual to ask subdivision questions on a specific proposal.

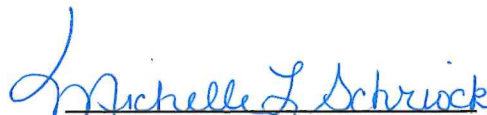
Schmidt – Also noted that for future reference, the Planning Board agendas will come from her with the Planner providing Planning Department work items noting recent problems with content, order of business and timing.

12. Planning Board Member Reports - None

13. Adjourned:

The meeting was adjourned at 8:00 p.m.


Laurie Schmidt – President


Michelle Schriock, Secretary